

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 18 (S. Con. Res. 7), honoring the life and legacy of King Hussein of Jordan, I was unavoidably detained. Had I been present, I would have voted "yea."

HUMAN RIGHTS

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. PITTS. Mr. Speaker, this week, I chaired a Congressional Human Rights Caucus Briefing in which expert witnesses from Indonesia showed photographic evidence and reported on the situation facing their people.

Attacks on ethnic and religious minorities, particularly Chinese minorities, are continuing and in some instances appear to be orchestrated. Ninety-five churches have been burned or destroyed since May of 1998.

Today I am submitting record and statements from this week's briefing. These statements help to note the severity of acts being committed in Indonesia.

STATEMENT FOR MEMBERS BRIEFING ON
CURRENT HUMAN RIGHTS ABUSES IN INDONESIA

Good morning ladies and gentlemen. It is a privilege for me to welcome you to the Congressional Human Rights Caucus Briefing on Current Human Rights Abuses in Indonesia. The extreme nature of the recent human rights abuses in Indonesia has shocked the world. Reports show that churches and mosques have been burned, businesses of ethnic minorities have been looted and destroyed, students were arrested and killed, and women and girls have been brutally raped and sometimes murdered.

Today's hearing is sponsored by the Congressional Human Rights Caucus. The Caucus, co-chaired by Congressman John Porter and Congressman Tom Lantos, is a bipartisan group of members dedicated to advocating for the protection of human rights worldwide. The situation in Indonesia has long concerned Human Rights Caucus Members and many American people because of the long-standing human rights violations in East Timor. It was not until more recently, however, that the world watched as the horrors perpetrated in East Timor spread throughout Indonesia.

As you may know, early last year, riots broke out in major cities in Indonesia. As people stood and watched in horror, rioters looted and destroyed businesses, burned churches, and caused mass destruction. Then, last May, the world stood horrified as it learned of the perpetration of mass rapes. Well-documented reports suggest a systematic plan on the part of the rapists to terrorize the Chinese ethnic community. Groups of unknown assailants would descend on a community, enter businesses, demand money, rape women who were present (often while uttering anti-Chinese rhetoric), and loot and sometimes burn the businesses.

Despite the change in the leadership of Indonesia's government, human rights abuses

continue. Unfortunately, the stories of situations similar to last year's tragedies have not ceased in Indonesia. Killing and rioting is still occurring. In January of this year, 40 people were murdered in a village in Ambon. Attackers in other areas of the island of Ambon stopped individuals in the streets, asked them what their religion was, and upon the admittance of Christian beliefs, killed the individuals. Reports suggest that approximately "20,000 people sought refuge in military bases, police barracks, churches and mosques" in riots in which "seven mosques, nine churches, and 570 buildings were burned." Similar reports have come from Banyuwangi, Ketapang, Poso, and other regions of Indonesia.

Other reports give details that during the rioting in the region known as the "Spice Islands," in one week 15 churches and 11 mosques were badly damaged or completely destroyed. Local inhabitants of attacked areas often state that villagers lived in harmony until outsiders came to their homes and, armed with various weapons, instigated the various riots and attacks on ethnic and religious minorities. These attacks continue throughout Indonesia.

Many human rights reports suggest that the riots of 1998 and 1999 were orchestrated by a particular individual or group of individuals. The question in people's minds is who or what is behind the terrible violence sweeping through the various regions of Indonesia?

Unfortunately, a large portion of the Indonesian population is afraid to report what they have seen. However, today, we will hear from some courageous individuals who desire to see justice and national reconciliation in their country so that stability, based on democracy, will be the norm in Indonesia.

The actions of the perpetrators of rape, murder and other crimes and human rights abuses are cowardly and should be internationally condemned. In addition, the government of Indonesia must engage in a thorough investigation to bring to justice those who are responsible for the horrifying human rights abuses occurring even today.

I applaud the courage of today's panel and thank them for their willingness, though possibly putting their own lives in danger, to share their knowledge about current human rights violations in Indonesia and who or what might be behind those abuses. The Congressional Human Rights Caucus encourages you in your pursuit of justice and protection of fundamental human rights for the Indonesian people.

IN A NUTSHELL: LAW AND SOCIO-POLITICAL
PROBLEMS IN INDONESIA

Many articles have been published by the media related to the regime of Suharto. At that time, violations against human rights happened frequently. Aside from the cases in Aceh, East Timor, Irian, Java and other areas, there were many other violations of human rights. At that time people were afraid of speaking out about the violations of human rights, especially related to the abduction of some activists who spoke out on human rights and democracy. After Suharto collapsed the mass media finally revealed the kidnapping committed by certain personnel of Kopassus (the case of General Prabowo).

The law enforcement during Suharto's reign was so worrisome. The judges were influenced by the authorities, although they denied it. They were even "bought" which is very difficult to prove legally. However, this can be witnessed empirically and it has been

an open secret through the publication of the press. The violations against human rights such as the cases of Marsinah in East Java, Hanoch Ohee in Irian Jaya, Ghandi Memorial School, Kedungombo Dam, Bintang Pamungkas, Mochtar Pakpahan, and other cases, published by the mass media speak for themselves. The law at that time seemed to be upright but justice and human rights were neglected.

The socio-political condition was overpowered by Suharto. Nobody dared to express their disagreement except a few people, such as Budiman Sudjatmiko, Bintang Pamungkas as well as Mochtar Pakpahan. The political parties at that time endorsed all the actions of Suharto. However, recently, they have started opening their mouth and honestly admitted that they did not have the courage to speak out at that time because they were frightened of Suharto's power. In brief, Suharto was a dictator.

Thus is the short explanation about justice, socio-political and human rights during the regime of Suharto. It is indisputable that corruption, collusion and nepotism were committed in all sectors of public life as the truth has now been disclosed by the press. To say that all government officials were involved, including the Armed Forces is not an exaggeration at all, though it is hard to prove legally.

What happens after Habibie comes on stage (de facto), because judicially Suharto's decree as President, has not been revoked. Essentially and fundamentally, it can be said that there has been no meaningful change occur except the freedom of the press. The freedom of democracy has been born with the permission to establish a hundred political parties. Despite all of this, the pattern of thinking and behavior of President Habibie keeps following the pattern of Suharto, with several exceptions. Some observations have to be given to the socio-political conditions. Another point needs to be discussed related to the religious life in Indonesia.

The law enforcement related to political issues is really ambivalent. After Suharto stepped down, more and more breaches of law were committed by the masses, let alone robbery and other violent crimes. They invaded the places such as fertilizer and rice warehouses, as well as plundering stores selling basic daily needs. Places of worship (churches) were destroyed and burned down. The government officials "accused" of committing corruption, collusion and nepotism were picketed by the people, who do not respect and acknowledge the authority of the local government officials. Even government and police offices were destroyed and burned, as happened to Lakarsanti in Surabaya (1999) and in some other places. People have acted the way they liked because they are fed up of being treated unfairly, and also because the spreading rumors were incorrect, manipulated and distorted. The law enforcement and the security agencies seem hesitant to take action or if they act, it is too late. It is unsurprising if small-scaled social anarchy takes place. In this reformation era during which the law and human rights should be enforced, what happens is the other way around.

Apparent transgression of human rights took place in Aceh in the past and recently (in Lohkseumawe), as well as mass murder against those accused of black magic by ninjas in Banyuwangi (East Java). These incidents seemed to be directed against NU supporters and it was argued that some military persons were involved in the murders.

The military personnel who were said to have been involved committed desertion. It seems that there is a phenomena of social anarchy happening, where the jungle law prevails.

The security forces usually arise when riots and anarchy are almost completely done and too late to be stopped. The same thing happened during the Ketapang incident where human slaughter and the destruction and burning of Ketapang Churches (Nov 22, 1998) in Jakarta took place. Similar patterns like in Ketapang reoccurred in Kupang (Timor) and soon after that in Ambon (19-22 January 1999) sacrificing more lives and enormous loss of property. The data of casualties has not been confirmed yet. Some say 500 people were murdered. Thirteen religious buildings were burned. Those incidents indicate that there is a relation in the engineering pattern blown-up by SARA rumors during which churches and mosques were burned in Ambon. The most destructive things have happened to churches in many places since 1996. Those who are not friendly to Christians look for social and economic scapegoats.

During the reign of Sukarno, only two churches were burned while during the 32 years regime of Suharto, 455 churches were burned, destroyed and closed down. It means each month, an average of 1.18 church destroyed and burned. Within 7 months of Habibie's reign, 76 churches were destroyed and burned. In other words, each month an average of 10.85 churches were destroyed and burned.

The condition of security in Indonesia is annoying. Economic conditions are getting worse, unemployment is increasing while the law seems to have lost its power. In addition, the development of socio-political conditions is still confusing and the people who pretend to fight for democracy accuse each other, making the condition more uncomfortable and unsecured. Moreover the stipulation of new regulations related to the general election, and the prediction that chaos or social revolution prior or after the general election will take place, have caused anxiety in people's hearts, especially the poor ones who are concerned with their life and belongings.

Indonesia is at the edge of ruin. There are unhappy voices coming from places such as Irian and Aceh to separate themselves from this country. Their rich natural resources were enjoyed and used to enrich authorities in Jakarta. All of this creates the potential for disintegration to become true. In other words, civil war is at the doorstep, especially with the latest development in East Timor.

It can be summarized that anyone can make a different diagnosis, but the therapy seems difficult to carry out, considering the present socio-political and economic conditions. There are more than one hundred small political parties, besides PKB, PAN, PDI Megawati and Golkar. There are parties which are not sensitive to the pluralistic conditions in Indonesia, which sharpens the potential of polarization. Unity is often talked about as a ceremonial thing only to maintain the status quo status. In a pluralistic society, where different cultures and religions are not understood in the context of democracy and human rights, can things get worse. It has been forgotten that human beings with different cultural backgrounds and religions, are created by (one) God.

If the economy does not improve and unemployment keeps on increasing, not only will crime get higher, but the law will not be respected and obeyed. If the Armed Forces do not consolidate, the disintegration process

will come to reality. Chaos will emerge among ethnic groups or religions. Democracy and the freedom of human rights are being rhetorically talked every day, but it is doubtful all the leaders and their parties, except a few ones, could live peacefully in this pluralistic society.

To end this short writing, let us ponder the saying of the late President John F Kennedy: "And even if we are not able to agree, let us do so in such a way, that make the world safe, still in its diversity."

J.E. SAHETAPY,
Emeritus Professor of Unair.

POLITICAL AGENDA BEHIND THE RIOT OF POSO (By Kie-Eng Go)

[Presented in the Briefing on The Current Human Rights Issues in Indonesia with the US Congressional Human Rights Caucus, Feb 9, 1999]

The tragedy of Poso, which is also known as the "Poso's Gray Christmas" on December 23-31, 1998, resulted in the following: 183 people were injured, some seriously, 267 houses were demolished or burned down (1,632 people, representing 364 Christian households, lost their homes), 5 stores were burned down, 7 cars were burned or destroyed, 10 motorcycles were destroyed, 4 hotels were destroyed and 4 entertainment centers (karaoke) were damaged.

Beyond the physical destruction, the tragedy has brought about deep trauma in the life of the people of Poso.

INDONESIA: FUNDAMENTALISM AND THE HUMAN RIGHTS ISSUE

From the Surabaya incident, June 9, 1996 to the Situbondo, then to the Tasikmalaya, on and on and up to the Ambon, there are several things, which should not go unnoticed:

1. There are three groups of people being attacked and marginalized: the ethnic Chinese, the Christians and the moderate Muslims.

2. The incidents were well planned, and provocateurs from outside were sent in to create riots.

3. There seems to be linkage among the incidents, although they took place in different places. There seems to be progression between one incident to the next; for instance, from the harassment of the right to worship, to the closing of the places of worship, to the attack and burning of the places of worship, to the attack and burning of the home of religious followers.

4. The increase of brutality has turned into sadistic killing. Mr. Meiky Sainyakit, according to the eyewitnesses who survived, was burnt alive to death, after his two arms were chopped off, in the Ambon case.

5. The authorities, the police, the military, and the central government itself have done very minimal, if anything at all. The security forces would probably arrest those who were caught in the act, and that has been as deep as the kind of initiative done by them, as some cases have indicated. Not only are they not responding, often times, as reports suggest, not only are they very slow in following up leads, but they also are involved in discrediting the sources of the leads. When the whole situation is viewed and assessed as a totality, it should raise a very serious question about the cover up.

The core issue in Indonesia is trust; the erosion of trust amongst a pluralistic society. The kind of trust that has been emerging is the kind of trust that would only exist if everyone in Indonesia speaks the same language, wears the same cloths and colors,

prays the same prayer. There is no longer trust toward government and its leaders, political and public figures, public and private institutions, business and banking system, media, community leaders, religious leaders, even one another.

ALTERNATIVES AND RECOMMENDATION

Therefore, in everything we do, we the Indonesians, and we the international community, we have to move with one thing in mind and that is to bring trust back into a culture which was originally built and based on the principle of a pluralistic society. Below are some thoughts and alternatives that I like to recognize to this panel:

1. *Stop the madness and killing.*—We recommend that the International Community demands full accountability on the rapes and killing of many Indonesians. Why does the International community have to be involved in domestic acts of crimes in Indonesia? The kind of crime and killing in Indonesia should not be looked at any longer as a domestic affair, rather it is an attack and an insult to mankind on earth. When civilians are attacked by professional, trained, and army-like personnel, and the attacks are done systematically and repeatedly, and they are done in a pursuit of a certain ideology, should we not consider that as a war.

2. *The victims.*—We ask the International Community for an immediate and decisive initiative to provide full rehabilitation for the victims and the families. Despite all the good and nice rhetoric by the government officials of Indonesia, including the head of the current government, victims, families members, and medical workers are still being terrorized and intimidated. Phone lines are still being tapped. Such conditions have made any kind of rehabilitation impossible.

3. *Persecution.*—On the issue of persecution against certain ethnic and religious groups, we all need to stop listening to the rhetoric of the leaders, and state looking into the dynamic of how the culture of suspicion is being carried out. Today, when you are Chinese and/or Christian in Indonesia, you do not have any guarantee of physical safety on the street, nor protection under the law. The government, the police, and the military, including the leader of the government himself, are not interested in protecting the rights of the citizen, despite of all their nice and good rhetoric.

4. *Social safety net.*—A Social safety net program is very urgent at this moment in Indonesia. Total chaos and massive killing could take place anywhere and at anytime, without being provoked by anybody. The social safety net programs in Indonesia have not been very successful so far. It seems that everyone has to rob in order to survive. The international community has to be prudent and creative in developing the social safety net programs.

5. *Election.*—The upcoming, June 7, 1999, election will be very instrumental in giving an opportunity to the Indonesians to move to a better civil society. We should not expect any law and order in Indonesia without a clean and fair election. The UN, the organizations such as IRI, NDI, IFES and even The Carter Center have to take more creative initiatives, beyond the given normative ways of the international political economy. The people who are interested in a better Indonesia in a context of global community have to take serious interest in the dynamic and culture of money-politics being played going into the election. Out of this horrible damnation, one good thing comes out is a stronger desire by the people to establish a nation and a system of government that are clean

and trustworthy. Such desire which exists very vividly in certain groups (NGOs and even political parties) has to be supported and strengthened by all means possible.

We trust that this briefing will create a more open-minded and positive discussion among us and with those who are longing to see an improvement in Indonesia.

Thank you very much for allowing us to come and share information with you.

MASS RIOTS IN INDONESIA
THE BEGINNING OF THE END

Generally, there are three social symptoms that are usually called "riot" in late 90's Indonesian press literature. The first is insurrection (unarmed popular uprising), the second is mob looting, and the third is widespread gang-fights that cause much destruction.

These three social symptoms begun to make their heavy presence after the 27th of July 1996 forced takeover of the PDI Headquarters in Jl. Diponegoro, Jakarta.

There were riots around the 1997 election. After that, until May 1998, situation seemed calm and under control.

But in May 1998, riot came back and took many victims. The riot broke after the military gunned down four Trisakti students demonstrating on the May 13th. The mass came in thousand in spirit of revenge. After small scale clashes with the police, the mass began burning and looting buildings.

What makes the May 14th-16th riot significant is the allegation that there were organized rapes done while riot was in progress. The facts show that there were a lot of rapes, while it remains to be proven legally that the rapes were organized deliberately.

The second fact that is quite shocking is that the military did admit that they have known all along that the riot was going to happen. The Chief Director of the BIA (Army Intelligent Service), Zacky Anwar Makarim said so (KOMPAS, September 3rd, 1998). Zacky also said that the presence of "local agitators" was known.

Riots broke again in July 1st-7th, 1998 in Jayapura, West Papua. A riot also broke in Kebumen, Central Java, on September 7th as a result of a personal quarrel between a shop owner and a local gangster (reports from local correspondent). Riot also broke in Bagansiapi-api, North Sumatra, on September 15th, as a result of personal quarrel between gangsters.

Then came the famous "ninja" rumors that said that several organized killers disguised as ninjas were on the loose and taking liberty to kill alleged "dunkun santet" (a kind of evil shaman). The rumors that begun spreading in Banyuwangi, East Java, in September 1998 has took lives of innocent kyais (Muslim religious leaders).

The most significant series of riots begun after the November 13th-14th uprising. On November 14th, a small-scale clash between the people and some military personnel nearly incite a riot. But the students managed to prevent it (KOMPAS, May 15th, 1998). But the student were caught by surprise when in Ketapang, North Jakarta, on November 15th, a riot broke. Riot of the same kind also occurred in Kupang, West Flores Island.

Another riot broke in Porsea, North Sumatra, on November 23rd. This time, the captured provocateurs revealed that they were paid and at the same time threatened not to rebuke the wish of the men that paid them (ANTARA, November 24th, 1998).

At the end of the year, a riot broke in Poso, Central Sulawesi, which occurred be-

tween December 25th and 30th. There are not many data on this riot.

At the same time, riot broke in Belawan, North Sumatra, which was incited by a personal quarrel between two of the population over a pair of shoes.

Then came the real shock when a usually peaceful city, Karawang, West Java, broke its tradition and fell into riot.

The second most significant area is Ambon, capital of Maluku islands, where a riot broke on January 19th, 1999.

What interesting is that one of the alleged provocateur confessed that there is an involvement of "people from Jakarta", though the local Police Commander won't disclose further (ANTARA, January 25th, 1999).

The systematic use of violence by intelligent services can be summed up if we read the manual (Vademecum of Defense and Security) issued by SESKOAD (Academy for Army Staff of Command) which usually produces top agents for those services. One of the chapters deals with the rule when using tortures on captured prisoners.

It is also well known that these intelligent services also make a full use of local gangster to intimidate the oppositions. There are paramilitary groups supervised directly by local army commands: AMS (Siliwangi Youth) trained, armed, and supervised by the 3rd Military Region (code-named Siliwangi), AMD (Diponegoro Youth) same treatment by 4th Military Region (code-named Diponegoro). When counter demonstration (which shows support to the government) arose, the participants usually came from these Youths or other Youths such as Pemuda Pancasila (Pancasila Youth) or Pemuda PancaMarga, the foremost-two whose leaders have personal relation with Suharto himself. This so-called "counter-demonstrations" usually aims for a violence physical contact between group making rally. These Youths always carry weapons, at occasions they carry guns.

It feels a little uncomfortable when we read that some of the riots were instigated by quarrels between local gangster. Or in Banyuwangi case, indicates a direct involvement of those criminals. Or in Porsea case, paid thugs carried out the whole job. It is also very possible that the ones starting looting the shops are also those criminals. They have guts to rob people in broad daylight, surely they would be the first to see that chaos is the best time to loot.

There has been a proof that there were provocateurs in May 14th-15th Riot. The possibility is very high that all other riots are also results of provocations. And Intelligent Services are the best in this business.

Washington, DC, Feb. 8, 1999.

Solidaritas Nusa Bangsa.

ESTER JUSUF, SH,
Chairwoman.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 19 (Kucinich amendment to H.R. 391), I was unavoidably detained. Had I been present, I would have voted "yea."

TRIBUTE TO HOUSE
IMPEACHMENT MANAGERS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. CRANE. Mr. Speaker, as the impeachment trial to President Clinton approaches its final act, I want to pay tribute to the managers on the part of the House, led by my distinguished friend from Illinois, HENRY HYDE. I thank them for enduring vitriolic attacks by the media, the President's minions, their constituents, and, sadly, some of their colleagues as they defended the law. Few of us have been put to a such a severe test as these manager-colleagues to prove allegiance to our sworn oath to "protect and defend the Constitution of the United States."

I worry about the moral health of our country when the modern-day justice system seems incapable of holding accountable celebrities who murder and presidents who lie. As has been asked so many times in recent weeks: "What do we tell our children?" Thankfully, we can hold up to the children men like our House managers as examples of Americans willing to sacrifice themselves for the benefit of our great nation.

I was unable to witness the closing arguments made by Mr. HYDE, but instead read his script. I consider him to be the House's finest orator and, as I read his statement, I imagined with my mind's eye his passionate call to duty. I only hope that his speech similarly stirred our Senate colleagues to "Let right be done."

I commend the entirety of Mr. Manager HYDE's closing argument to the attention of my colleagues.

CLOSING ARGUMENT OF REPRESENTATIVE
HENRY J. HYDE, IMPEACHMENT TRIAL MANAGER

Mr. Chief Justice, learned counsel, and the Senate, we are blessedly coming to the end of this melancholy procedure, but before we gather up our papers and return to the obscurity from whence we came, please permit me a few final remarks.

First of all, I want to thank the chief justice not only for his patience and his perseverance but for the aura of dignity that he has lent to these proceedings, and it has been a great thrill really to be here in his company as well as in the company of you distinguished senators.

Secondly, I want to compliment the president's counsel. They have conducted themselves in the most professional way. They have made the most of a poor case, in my opinion.

Excuse me. There's an old Italian saying, that has nothing to do with the lawyers, but to your case, and it says: "You may dress the shepherd in silk, but he will still smell of the goat."

But all of you are great lawyers and it's been an adventure being with you.

You know, the legal profession, like politics, is ridiculed pretty much, and every lawyer feels that and understands the importance of the rule of law—to establish justice, to maintain the rights of mankind, to defend the helpless and the oppressed, to protect innocents, to punish guilt. These are duties which challenge the best powers of man's intellect and the noblest qualities of the